

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THERESA BROOKE,

Plaintiff,

v.

SUPERB HOSPITALITY LLC,

Defendant.

Case No. 1:20-cv-00103-AWI-SAB

ORDER SETTING MANDATORY
SCHEDULING CONFERENCE

Theresa Brooke (“Plaintiff”) filed this action alleging violations of the Americans With Disabilities Act on January 20, 2020. On January 21, 2020, the summons and order setting the mandatory scheduling conference were issued. The Clerk of the Court entered default against Superb Hospitality LLC (“Defendant”) at Plaintiff’s request on February 18, 2020. On this same date, Defendant filed objections to Plaintiff’s complaint and a motion to dismiss. On February 19, 2020, an order issued continuing the mandatory scheduling conference and directing Defendant to file a motion to set aside default.

On March 2, 2020, the parties filed a stipulation to set aside the default and default was set aside. On March 9, 2020, Defendant filed objections to the request for entry of default. Plaintiff filed a notice of settlement on March 10, 2020, and an order issued on March 11, 2020, vacating all dates and matters in this action.

On March 31, 2020, Defendant filed objections to the notice of settlement and a motion to require Plaintiff to provide security against costs. On this same date, Plaintiff filed a response

1 to the objections to the notice of settlement and a motion to strike Defendant's motion to dismiss.
2 An amended motion to strike was filed on April 2, 2020. On April 6, 2020, Defendant filed a
3 reply to Plaintiff's March 31, 2020 response. On April 7, 2020, Defendant filed objections to
4 Plaintiff's motion to strike Defendant's motion to dismiss.

5 On April 12, 2020, Defendant filed a motion for relief pursuant to Rule 60 of the Federal
6 Rules of Civil Procedure.

7 On April 17, 2020, Senior District Judge Anthony W. Ishii filed an order addressing the
8 motions that had been filed. The order sustained Defendant's objection to Plaintiff's signature
9 on the complaint, the complaint was stricken from the record, and Plaintiff was ordered to file an
10 amended complaint within twenty-one days. Defendant's Rule 12 motion to dismiss and motion
11 for security were denied without prejudice as moot. Plaintiff's motion to strike and amended
12 motion to strike were denied as superseded and moot. Defendant's Rule 60 motion was denied.
13 Plaintiff was ordered to explain in writing the apparent violation of Rule 210 of the Eastern
14 District of California within twenty-eight days. On this same date, Plaintiff filed a declaration
15 regarding the Rule 210 violations.

16 An order issued on April 20, 2020 finding Plaintiff's response satisfactory. On this same
17 date, Defendant filed a request to respond and a response to Plaintiff's declaration. On April 21,
18 2020, an order issued denying Defendant's request to respond to Plaintiff's declaration. The
19 parties were advised in the April 21, 2020 order that "the Court does not intend to expend any
20 further resources (which are already stretched based on the case load of this District, as well as
21 COVID-19 measures) on filings that have no further impact on this case or that smack of
22 unnecessary sniping between counsel." (ECF No. 30 at 2.)

23 On April 21, 2020, Plaintiff filed a first amended complaint and a declaration. As an
24 amended complaint has been filed and this action has not settled, the Court shall reset the
25 mandatory scheduling conference.

26 Accordingly, IT IS HEREBY ORDERED that:

- 27 1. A mandatory scheduling conference is set for June 23, 2020, at 11:30 a.m. in
28 Courtroom 9;

2. The parties shall file a joint scheduling report seven (7) days prior to the scheduling conference; and
3. The parties are referred to the January 21, 2020 order setting the mandatory scheduling conference for the required content of the joint report and the requirement to attend and participate in the conference including that counsel may appear telephonically at the scheduling conference by contacting Courtroom Deputy Mamie Hernandez at (559) 499-5672.

IT IS SO ORDERED.

Dated: **April 22, 2020**


UNITED STATES MAGISTRATE JUDGE